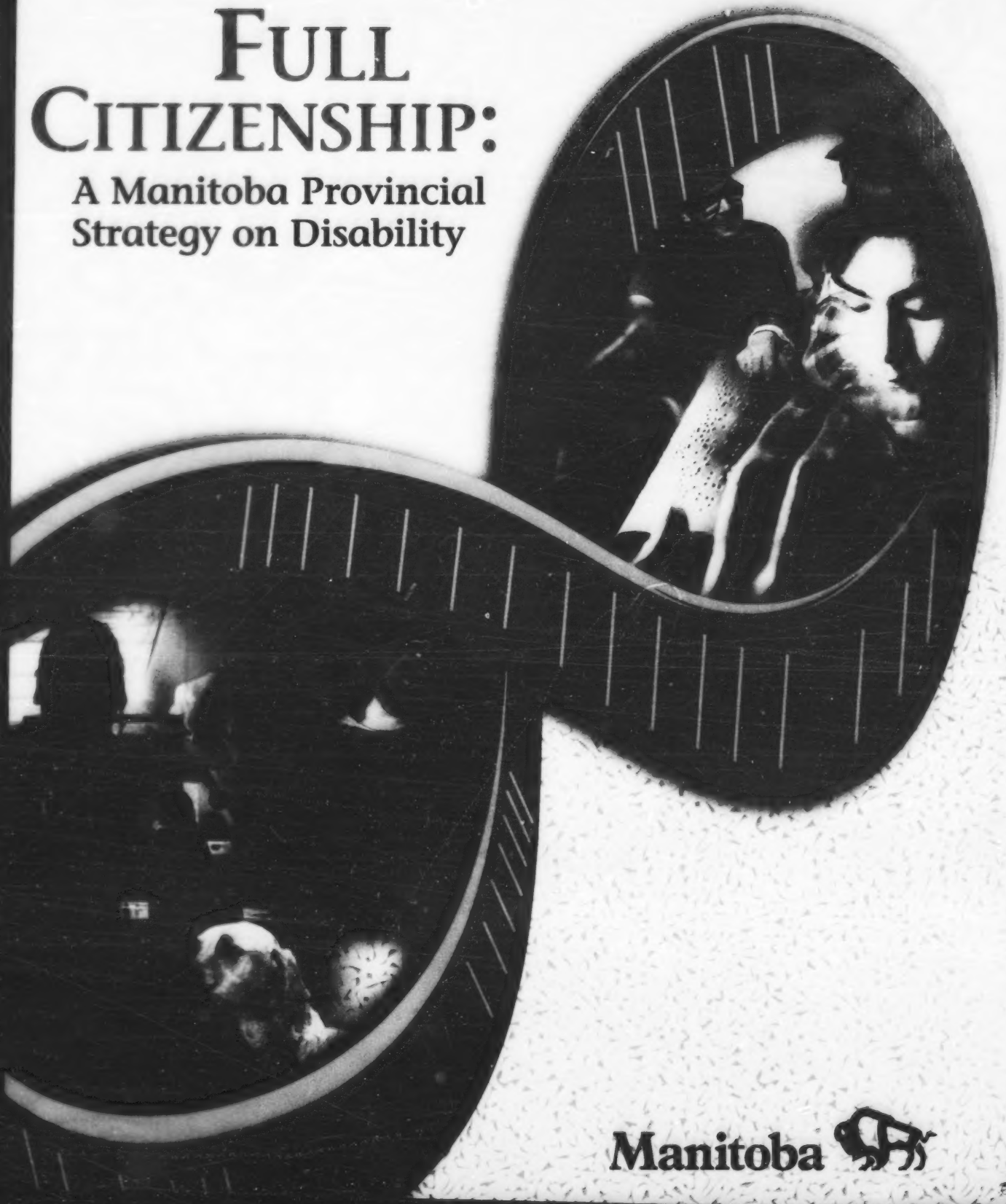
FULL CITIZENSHIP:

A Manitoba Provincial Strategy on Disability



Manitoba

101-05877/

COMMUNITY CONSULTATION
on
FULL CITIZENSHIP:
A MANITOBA PROVINCIAL STRATEGY ON DISABILITY

Marianne Cerilli M.L.A. will chair a series of consultation meetings to hear the views of interested persons and organizations on *Full Citizenship: a Manitoba Provincial Strategy on Disability.*

These consultation meetings will be held as follows:

May 25, 2001	Crescentwood Community Centre 1170 Corydon Avenue Winnipeg, MB	10am
June 1, 2001	Pioneer Lounge Keystone Centre 1175 18th Street Brandon, MB	1pm
June 8, 2001	Juniper Centre 108 Nelson Rd Thompson, MB	10am
June 15, 2001:	Mennonite Heritage Village 231 PTH 12 N Steinbach. MB	1pm

Child care, sign language interpreting and computerised note taking will be provided at each meeting.

Persons and organisations wishing to respond to the Strategy Paper by mail or email are invited to do so, to the following address:

C/O Sarah Freund
Room 234
Legislative Building
Winnipeg, MB
R3C 0V8

Email: sfreund@leg.gov.mb.ca
Telephone: (204) 945-4869

CONSULTATIONS COMMUNAUTAIRES
sur
LA CITOYENNETÉ À PART ENTIÈRE :
UNE STRATÉGIE MANITOBAINE POUR LES PERSONNES AYANT DES DÉFICIENCES

M^me^ Marianne Cerilli, députée à l'Assemblée législative, présidera une série d'audiences publiques afin de connaître les opinions de particuliers et d'organismes sur *La citoyenneté à part entière : une stratégie manitobaine pour les personnes ayant des déficiences.*

L'horaire des audiences publiques est le suivant :

le 25 mai 2001	Crescentwood Community Centre 1170, avenue Corydon Winnipeg (Manitoba)	10 h
le 1er juin 2001	Pioneer Lounge Keystone Centre 1175, 18e Rue Brandon (Manitoba)	13 h
le 8 juin 2001	Juniper Centre 108, chemin Nelson Thompson (Manitoba)	10 h
le 15 juin 2001	Mennonite Heritage Village 231, RPGC 12 N Steinbach (Manitoba)	13 h

Des services de garde d'enfants, d'interprétation en langage gestuel et de prise de notes informatisée seront offerts au cours de toutes les séances.

Les particuliers et les organismes qui le désirent peuvent faire parvenir leurs commentaires sur cette stratégie par la poste ou par courrier électronique aux coordonnées suivantes :

Madame Sarah Freund
Palais législatif, bureau 234
Winnipeg (Manitoba)
R3C 0V8

Courrier électronique : sfreund@leg.gov.mb.ca
Téléphone : (204) 945-4869

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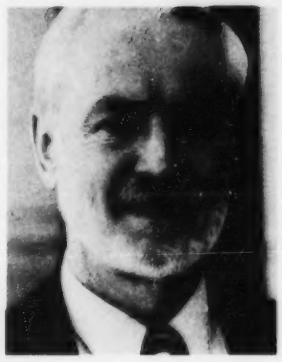


People with disabilities in Manitoba face serious barriers that prevent their full participation as citizens in our society. These barriers remain in place despite the ongoing and active lobbying by people with disabilities, despite the growing popular support for the inclusion of people with disabilities, and despite a mounting pile of provincial, national, and international reports that outline needed changes to our social, economic and physical infrastructures. Our government and our society have been challenged: we must remake our institutions in a way that allows people with disabilities to fully participate in our society. Our challenge is to become a more inclusive society, so that all Manitobans can enjoy the rights, and exercise the responsibilities, of citizenship. As Manitoba's first Minister Responsible for Persons with Disabilities, I believe that government, as an expression of the democratic will of the population, must act as an example and provide leadership as we create that society.

The leadership provided by Manitobans with disabilities and the organizations they have developed has shaped the content of many important policy documents: *The Obstacles Report* to the Canadian Parliament of 1981, the *United Nations World Program of Action* in 1982, the federal/provincial/territorial governments' *Mainstream 92* Report and *In Unison: A Canadian Approach to Disability Issues* vision paper, the 1993 United Nations' *Standard Rules on Equalization of Opportunities for Persons with Disabilities*, the Roeher Institute's *A Canadian Disability Resources Program*, the Manitoba League of Persons with Disabilities' *Two Hundred and Forty-Four Voices* and a broad national disability coalition's *A National Strategy for Persons with Disabilities: The Community Definition*. There has been no shortage of recommendations on what needs to be done.

We have been told by members of the disabilities community that they are looking to government for action, not fine words.

In response, this White Paper proposes a strong Provincial Disability Strategy based upon a philosophy and a vision that includes persons with disabilities as citizens. Our Action Plan focuses primarily on areas of direct government responsibility. We have taken this approach because we believe it is necessary to put our own

house in order. In the full knowledge that the task before us is immense and demands long-term commitment, the White Paper also outlines some of the many issue areas yet to be addressed. Finally, it sets out a proposal for how the community can better hold the government accountable for meeting its commitments to Manitobans with disabilities.

Governments are responsible to citizens. When some citizens are not able to claim and exercise the full rights and responsibility of citizenship, that government has, in some measure, failed. Government must also show leadership on questions of social justice: as people with disabilities gain access to their rights as citizens, other institutions of civil and commercial society will expand the efforts that they make to include and accommodate all Manitobans.

Although the path set before us is long, this White Paper will serve as a map to cheer and guide us. As we continue, we will be able to look back and see this White Paper as an important landmark on our journey.

Sincerely,

Tim Sale
Minister Responsible for
Persons with Disabilities

INTRODUCTION

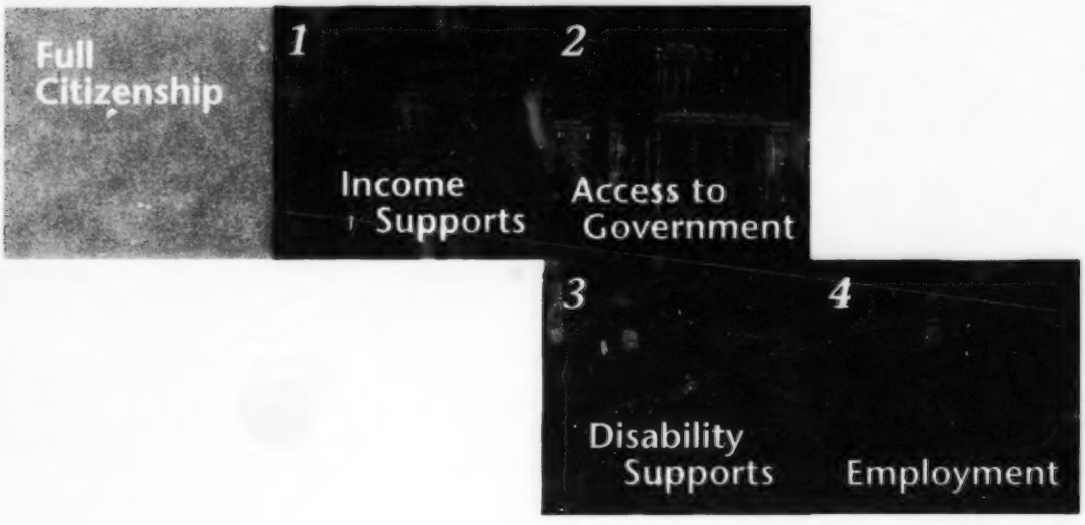
Full Citizenship

Any complete understanding of citizenship requires the full inclusion of persons with disabilities. When full citizenship exists, persons with disabilities will have access to the social, recreational and employment systems and programs open to others. We will meet this objective by taking actions that extend access to generic programs and services for all Manitobans, including persons with disabilities. In doing so, we will also be honouring our commitments made in such federal/provincial/territorial government documents as *In Unison: A Canadian Approach to Disability Issues*.

There are four basic building blocks for full citizenship:

The Government of Manitoba believes that it has a responsibility to respond with specific initiatives to the special problems faced by Aboriginal persons with disabilities.

The Manitoba government recognizes that in each of the areas identified below it is being challenged to make changes that remove the barriers to full citizenship. This White Paper will set out an Action Plan that continues the work of extending full citizenship to Manitobans with disabilities. Finally, the White Paper will outline mechanisms that will be put in place that will allow Manitobans to measure our progress along the road to a more inclusive society.

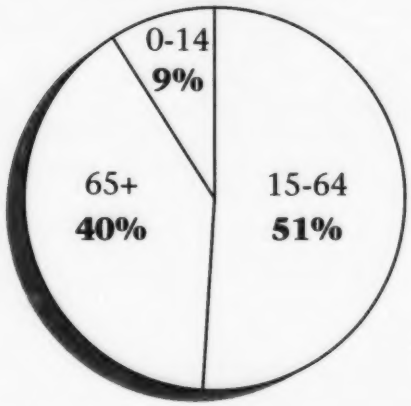


Disability Access in Manitoba

The most recent demographic information available (the Statistics Canada 1991 backup tables for Manitoba of the Health and Activity Limitations Survey) tells us that 17.6 per cent, or 183,635 Manitobans are disabled. Aboriginal Manitobans are particularly affected with over 25.8 per cent reporting a disability.

As one might expect, the elderly have a high likelihood of being counted among those with disabilities. But younger people are also amply represented: 8.2 per cent of those 15 to 34 years have disabilities, as do 13.8 per cent of those 35 to 54 years of age. Many of these individuals face significant barriers that prevent them from full social participation.

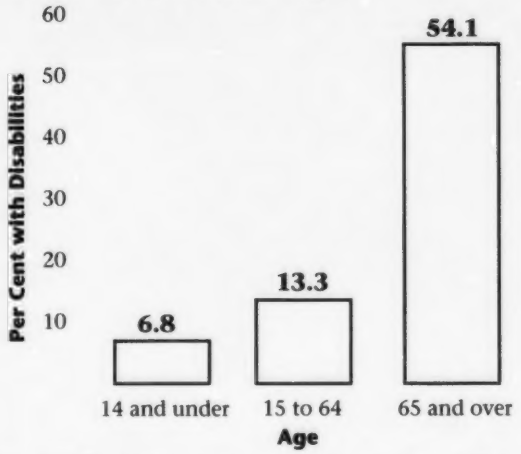
Distribution of Persons with Disabilities Residing in Households by Age Group



■ In 1991, 183,635 Manitobans or 17.6% of the population reported some level of disability. Of those persons with disabilities: 172,865 lived in households and 10,770 were in institutions; of those living in households, 15,190 are in the 0-14 age group, 88,680 are in the 15-64 group, and 68,995 are in the 65+ group.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

Distribution of Disability Rates According to Age



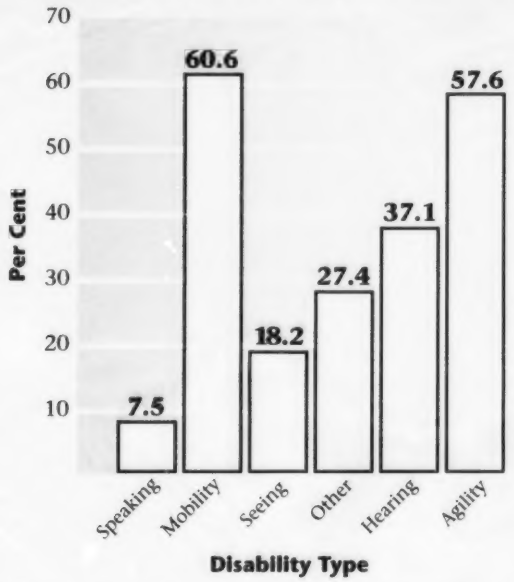
■ The disability rates increase with age, from 6.8% of children 14 and under, to 13.3% of persons 15-64 years of age, and to 54.1% of those over 65. As the population of Manitoba ages, the prevalence of disabilities rises.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

Many Manitobans with disabilities face economic hardship in their daily lives. Forty-eight per cent of working age Manitobans with disabilities are not participating in the labour market (either unemployed, or not actively seeking work) as opposed to 24 per cent of those not disabled. The result is that Manitobans with disabilities are much more likely to live in poverty than Manitobans in general. Equal access to education, training and support programs would certainly increase their potential for employment and a better economic future.

We must identify, for Manitobans of all ages with disabilities, where the public sector, the private sector, and all of Manitoba society can do better on issues of inclusion.

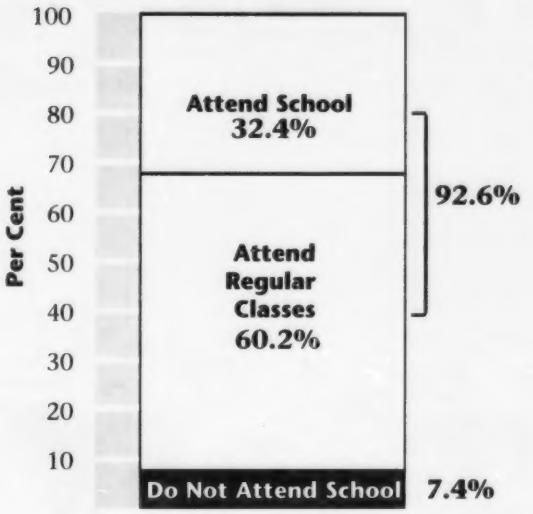
Distribution of Disability by Disability Type for Adults (Aged 15+)



In Manitoba, the distribution of disability by disability type for adults (aged 15+) ranged from 7.5% for speaking to 60.6% for mobility. The other categories were seeing 18.2%, other (mental related) 27.4%, hearing 37.1% and agility 57.6%.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

Children with Disabilities Attending School (Ages 5-14)



92.6% of children with disabilities, aged 5-14, attend school and 60.2% attend regular classes.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

This work has already begun. The Special Education Review Initiative is building on the accomplishments of previous decades to bring inclusion into the classroom. We have comprehensive social services through Children's Special Services and the licensed child care system, and health services such as Home Care, and speech and language therapy that support children with disabilities and their families. In the licensed child care system, for example, approximately 1,000 children with disabilities are fully integrated with other children in child care centres through specific provincial funding. While these services need to be continually reviewed and updated, they provide the basis for inclusion from a child's very early years as she or he gets ready to enter school.

It is when children with disabilities become adults and leave school that full inclusion becomes more difficult. Whether it is disability supports, post-secondary education and training, access to employment or income support, we have yet to establish a network of services and policies to support full inclusion and citizenship for adult Manitobans with disabilities. For this reason, the discussion paper focuses largely on issues for adults. However, it does provide the framework for initiatives that will enable inclusion for Manitobans of all ages.

Disability in an Historic Perspective

While the presence of disability has been a constant reality throughout human history, the social position of people with disabilities has been subject to great change, particularly in the past century. History tells us that the traditional role of disabled persons was that of the beggar. The Industrial Revolution of the late 18th and early 19th centuries spawned an urban reform movement that sought to impose order upon a society that was seized by social and economic turmoil. In the process, beggars were swept off the streets. Disabled persons, formerly allowed at least a modest position in society, were soon routinely locked away in asylums, poor houses or workhouses. An age of exclusion had begun.

In the 20th century, the eugenics movement cast a particularly dark shadow over the lives of persons with disabilities. Inspired by Mendel's discoveries in genetics and Darwin's theories on natural selection, social planners in the West speculated that the human species could be improved by the systematic elimination of disabled persons. The idea found its most horrifying expression in Nazi Europe, where more than 100,000 persons were selected and put to death because of their disabilities. However, the influence of eugenic thinking extended beyond the Nazi-inflicted holocaust. For example, sterilization of disabled persons became a popular public policy throughout the Western world during the first half of the 20th century.

Finally, public attitudes began to change after the Second World War. Many servicemen came home with disabilities, looking for the best available health care and rehabilitation services and, like their non-disabled counterparts, jobs. Their demands were hard to ignore. As innovative rehabilitation therapies were developed, it became difficult to exclude all persons with disabilities as non-members of society. Public sentiment held that disabled persons were inherently limited, but now, this opinion was tempered with goodwill. It seemed that perhaps science could restore them, that through therapy, disabled persons would enjoy at least some level of participation in everyday life. Their employment potential also began to receive some attention. The Vocational Rehabilitation of Disabled Persons Act of 1961 set up a cost-sharing mechanism for rehabilitation services in Canada.

The disabled citizens/consumer rights movement emerged in the 1970s. Using concepts and strategies borrowed from earlier civil rights movements, disabled people began to establish their own organizations, and demand rights of self-determination and inclusion. This was a very important, historical development. Previously, health, human service, and charitable authorities had dominated in representing the needs and interests of persons with disabilities. This model highlighted the need for charity, relief, and treatment. The message to persons with disabilities was that they were to accept what was given them with humility, and to struggle, repair themselves, and somehow adapt to the world. Little was said of the fact that this world was, in most ways, unwilling to consider ways of accommodating them.

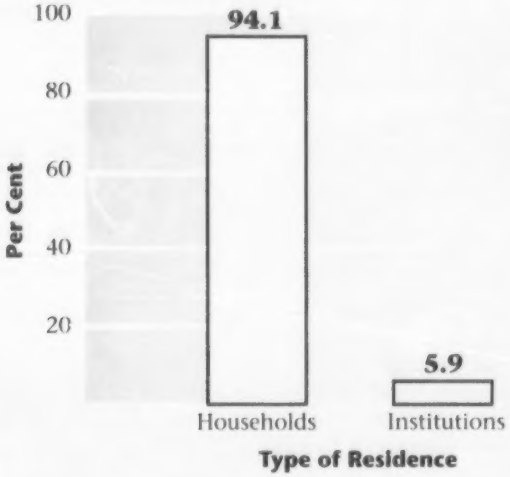
Manitobans with disabilities provided a great deal of leadership to the world-wide movement to include persons with disabilities. One organization, the Winnipeg League of the Hard of Hearing, was organized as early as the 1920s. Many others followed. The 1970s saw the emergence of organizations of persons having various forms of disabilities united in common cause for access, equality and inclusion. These organizations, such as the Manitoba League of the Physically Handicapped (now the Manitoba League of Persons with Disabilities) and the Coalition of Provincial Organizations of the Handicapped (now the Council of Canadians with Disabilities), developed through the leadership efforts of Manitobans with disabilities, such as the late Alan Simpson. The leadership of Manitobans with disabilities saw the development of organizations, such as Disabled Peoples' International at the global level, the Universal Design Institute in the design arena, and the Canadian Centre on Disability Studies in the academic research world.

Disabled people have now been speaking with their own voice for several decades. Their message has been delivered through the *Obstacles Report*, *The Mainstream 92 Report*, the *In Unison: A Canadian Approach to Disability Issues* vision paper, *Two Hundred and Forty-Four Voices* and countless other reports informed by citizens with disabilities. The message in these reports is clear and straightforward: the most urgent problems facing disabled persons have little to do with disabilities as a biological condition. In fact, the most pressing problems are conditions in society, most importantly, barriers which deprive people of their right to enjoy all aspects of daily life.

This idea, that disability is less of a biological fact than a social construction, is central to this White Paper's philosophy and approach. To say that disability is a social construction is to say that the nature of disability arises from society's inability to deal with biological differences in ability. Short-sightedness, for example, is only disabling if one is unable to afford eyeglasses. A physical impairment or difference is only disabling if the social and physical infrastructures of our society are constructed and maintained in a manner that restricts or denies access to persons with disabilities. Access in this context is far more than physical access: it includes access to information, to the labour market, and to policymaking. This approach stresses that persons with disabilities are **citizens** who must be included in society, not **victims** who must be assisted in curing themselves.

Most people with disabilities see themselves as independent individuals, capable of managing most aspects of

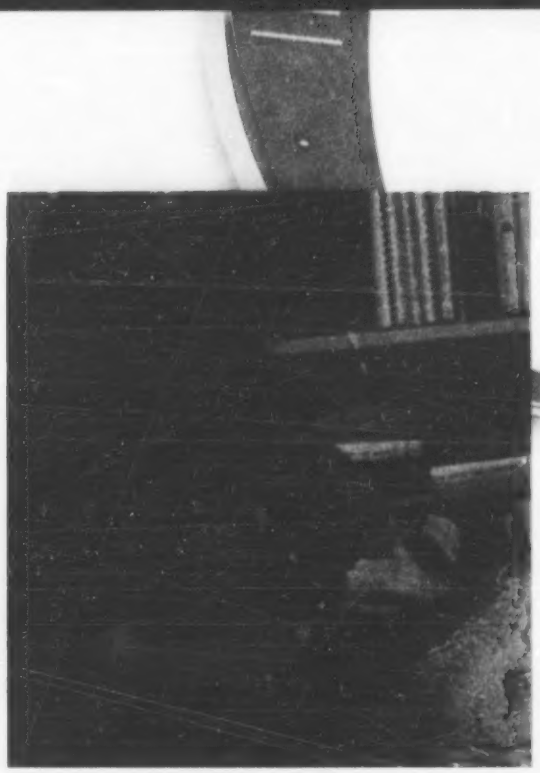
Percentage of Persons With Disabilities Living in Various Residences



■ In Manitoba, 94.1% of persons with disabilities reside in households and 5.9% reside in institutions.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

their lives. Most are not permanently unemployable and do not view themselves as such. Increasingly, the people of Manitoba are coming to understand this reality. The generation of Manitobans coming to adulthood today have been educated in a school system that was far more inclusive than those of the past. Younger Manitobans, in particular, know that the social world need not be constructed in a manner that excludes persons with disabilities. The rapid social changes for persons with disabilities in our society challenge us as never before. From economic segregation as beggars to economic integration as workers; from exclusion in institutions to inclusion in our communities – the transformation of the social role of persons with disabilities over the past 50 years has occurred quickly and continues to accelerate.



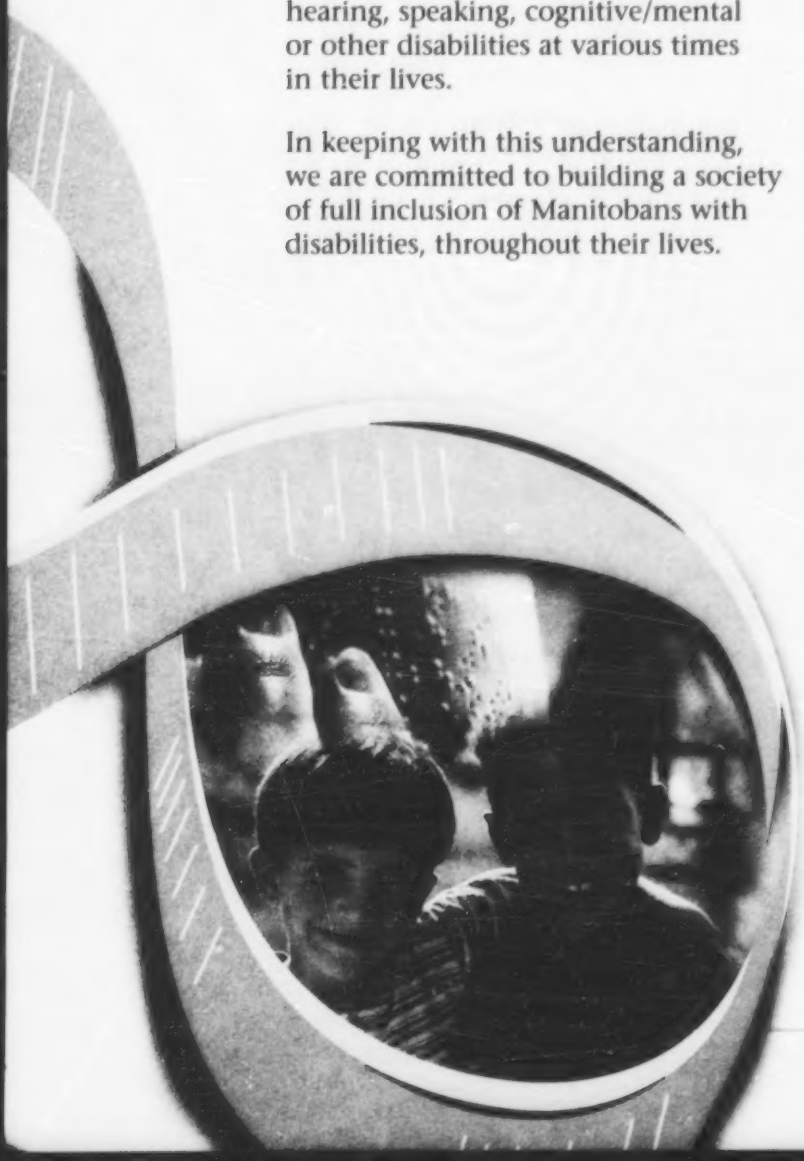
Policies and programs must embody the changing needs of persons with disabilities and evolving public attitudes. To allow persons with disabilities to be full participants in society, we must continue in our efforts to remove barriers and systemic discrimination.

We must move from vision to action. The government can do a great deal by improving existing programs and the coordination between programs. New investments will be required. As we move from vision to action, we will need the support of the disability community and all Manitobans. We must also develop frameworks of accountability that allow us to assess program effectiveness. A commitment to change, a commitment to partnership, and a commitment to accountability will guide us as we work to implement our vision of full participation of persons with disabilities. The changes that we propose are rooted and guided by the following philosophy and vision.

Philosophy

Our understanding of disability is founded on the knowledge that abilities and disabilities are an essential and natural part of human existence. All persons are more or less able in a variety of ways that depend on their individuality and the circumstances in which they find themselves. Although early childhood and old age are times when abilities are less and disabilities are more evident, many persons experience mobility/agility, vision, hearing, speaking, cognitive/mental or other disabilities at various times in their lives.

In keeping with this understanding, we are committed to building a society of full inclusion of Manitobans with disabilities, throughout their lives.



Consistent with this understanding and our acceptance of disability, we strive to enhance ability and to accommodate and reduce the effect of disability.

Manitobans with disabilities have all of the same rights, responsibilities and freedoms as others have, including the right to fair treatment and equal protection and benefit of the law. Beyond our commitment to the equality rights of Manitobans with disabilities, we believe Manitobans with disabilities should be actively welcomed in every aspect of social and economic life and included in the way our communities evolve to meet the needs of their members.

In keeping with our understanding and valuing of the diversity and range of ability/disability inherent in our population, we are committed to designing and redesigning our social, economic and physical infrastructures so as to meet the needs of the full array and range of abilities in our population to as great an extent as possible.

We affirm the interdependence of ability and disability of all members of our community. We affirm the value of sharing resources and abilities throughout our society. Embracing the pervasive experience of disability in all sectors and levels of our society, we call on all persons, sectors and institutions to work together in cooperative partnership to invite and include Manitobans with disabilities in all aspects of social and economic life.

In 1998, the Government of Manitoba adopted, together with other provincial, territorial and federal governments, a document entitled *In Unison: A Canadian Approach to Disability Issues*. It projects a vision of Canadian society based on the values of equality, inclusion and independence in which people with disabilities are full participants. It recognizes that the realization of the vision is a responsibility shared by all:

"Persons with disabilities participate as full citizens in all aspects of Canadian society. The full participation of persons with disabilities requires the commitment of all segments of society. The realization of the vision will allow persons with disabilities to maximize their independence and enhance their well-being through access to required supports and the elimination of barriers that prevent their full participation."

The Government of Manitoba now re-affirms this 1998 vision statement.

Four of the basic building blocks for full citizenship for persons with disabilities are:

- Income Supports;
- Access to Government;
- Disability Supports; and
- Employment.

Additional barriers to full citizenship exist for Aboriginal persons with disabilities.

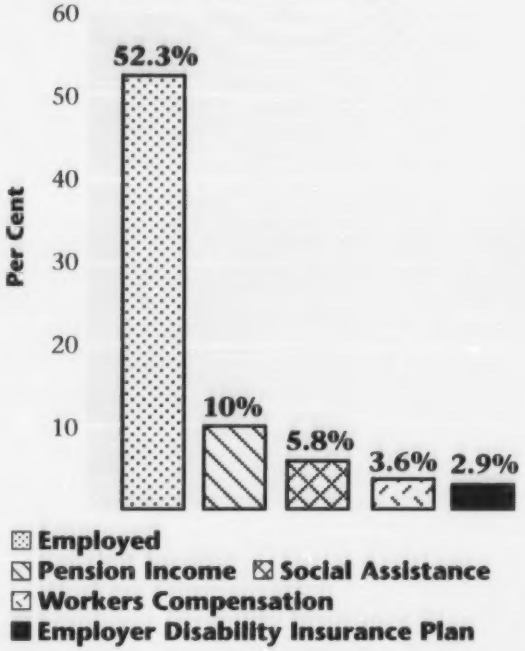
The following sections of this White Paper outline the challenges that exist in each of these areas and describe the policy initiatives the government will undertake in response to these challenges.

Income Supports

The Challenge

Income supports are those non-employment-based financial benefits that are provided by government and private insurance and pension programs. Persons with disabilities can receive income support from a number of different sources including the Canada Pension Plan, private disability insurance, workers compensation, and provincial income assistance programs. Eligibility for assistance depends on a variety of variables: where and how the person became disabled, the nature and severity of the disability, and in the case of Aboriginal persons, residency or status under the Indian Act.

Income Source for Manitobans With Disabilities (Aged 15-64)*



For those persons with disabilities aged 15-64, 52.3% are employed and 23.1% receive disability-related income. Of this 23.1%, 10% receive social assistance, 5.8% receive pension income, 3.6% receive workers compensation and 2.9% report income from their employer disability insurance plan.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

The main Manitoba government income supports are provided to persons with disabilities through its Employment and Income Assistance program. This is a program of last resort: to be eligible for the program applicants are assessed on the basis of their assets and their income. There are limits on the level of outside income that Employment and Income Assistance participants can receive and

on the assets that they can own and still be eligible for assistance. Currently, Manitobans with disabilities can qualify for Employment and Income Assistance in one of two ways:

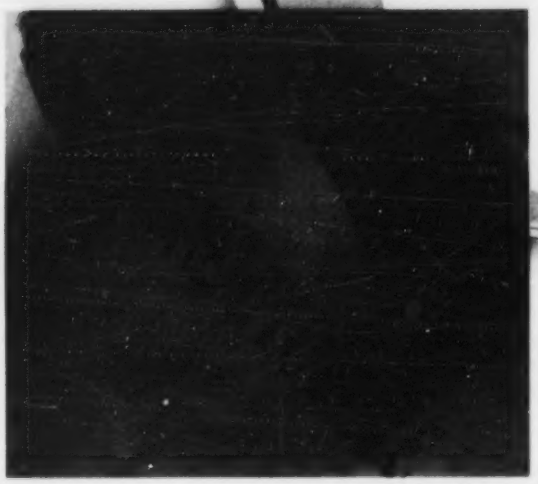
1) Persons with short-term disabilities qualify for assistance as a part of the general Employment and Income Assistance caseload and receive benefits that are equivalent to non-disabled persons in the same situation; or

2) Persons with longer-term disabilities qualify for the Disability Category of the Employment and Income Assistance program. In recognition of the higher costs of living with a disability, persons who qualify for this program receive a higher level of benefits and are permitted to retain more assets than assistance recipients in the general caseload.

A variety of studies have indicated that in the area of income supports there is a need to:

- redefine disability so that it is not linked to a finding of unemployability;
- remove disincentives to employment in income programs;
- separate access to disability supports from eligibility for financial assistance; and
- ensure financial assistance is available promptly when individuals are not able to support themselves.

Manitoba's Employment and Income Assistance program currently requires that in order to be eligible for benefits under the disability category, an applicant must be classified by a medical panel as being unemployable.



There are a number of problems that arise from this practice. First of all, the medical panel is being asked to answer a question that is essentially non-medical; with technical aids or equipment, specialized training, modified job or adapted workplace, many individuals with disabilities that would have led to their being labelled "unemployable" have gained and held employment. At the same time, individuals whose degrees of disabilities did not, in the opinion of the medical panel, render them unemployable, have for a variety of reasons failed to gain employment.

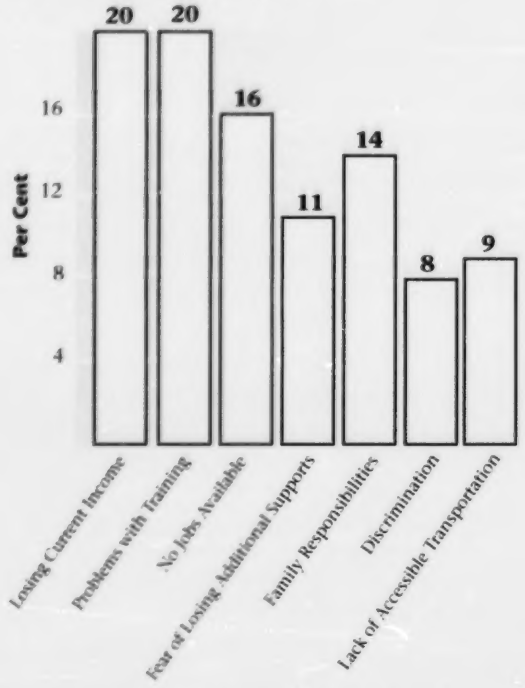
The unemployability criterion has serious consequences, the most obvious being that the very definition stands as a barrier to a return or entry to the workforce. A person who has been defined as unemployable on the basis of disability is, for example, not eligible to make use of many training and employment resources. In addition, persons with disabilities risk losing income supports by taking on part-time work. Furthermore, they are not allowed to participate in all available work-incentive options.

Other disincentives to seeking employment include:

- The difficulty in having disability income assistance benefits reinstated if the return to the labour market fails;
- Earning exemptions that are set at such low levels that a partial return to the labour force is uneconomic; and
- A failure to properly take into consideration the cost of the disability in a variety of areas including the limits on the level of liquid assets a person with a disability can retain.

At one time, disability supports (such as payment for medication or special transportation) were closely tied to the classification of unemployability, and a person with disabilities who returned to the workforce lost important supports. Over time, policies have evolved to the point where this tight linkage between disability supports and unemployability has been reduced and considerably more discretion has been introduced into the system. However, it still is the case that Employment and Income Assistance Disability Category participants are not aware of the possibility of retaining disability supports when these are needed after they become employed and may no longer be eligible for income assistance. Indeed, program staff may often not advise participants of these possibilities and sometimes may not be aware that these disability supports can and should continue to be provided when they are needed. As a result, it is still often the case that persons with disabilities lose needed supports when they take work. Disability supports should not be delivered in such a way that they become a disincentive to work.

Factors Discouraging Manitobans With Disabilities From Seeking Work



There are a number of factors discouraging persons with disabilities from seeking work. The most cited reasons were: losing their current income (20%); problems with training (20%); no jobs available (16%); fear of losing additional supports (11%); family responsibilities (14%); discrimination (8%); and lack of accessible transportation (9%).

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

The parents of children with disabilities have expressed their concerns to the government over the limitations that are placed on the assets that a disabled Employment and Income Assistance participant is allowed to retain. In many cases, parents who have been caring for their children during their lives wish to settle an inheritance on their child that is to be used specifically to address disability-related issues. Currently, this is not possible. The limits on assets also make it difficult for disabled people to save a sufficient amount of money to

acquire many of the physical and human supports needed to maintain their quality of life.

The Manitoba government has received advice concerning the Employment and Income Assistance program from organizations representing persons with disabilities. Among the advice received were two documents from the Manitoba League of Persons with Disabilities: *The Employment and Income Assistance Program: Removing the Employment Barriers and Disincentives to Work* and *Two Hundred and Forty-Four Voices.* Two of the recommendations made have been acted on: training on disability issues is now being provided to Employment and Income Assistance staff by persons with disabilities, and a self-employment option has been created for persons with disabilities on the Employment and Income Assistance program.

Action Plan 2001

The Manitoba government will take action in this year to strengthen the government's existing income supports, remove aspects of the income support program that serve as barriers to employment opportunities, and improve access to training.

Redefinition of the Disability Category

The Manitoba government is proposing to redefine its income assistance eligibility requirements for persons with disabilities. The proposed changes:

- redefine disability so that it is not linked to a finding of unemployability;
- remove certain disincentives to employment in income programs; and
- ensure financial assistance is available promptly when individuals are not able to support themselves.

Draft definitions are proposed as follows:

LEVEL ONE

A person is categorically eligible for DISABILITY LEVEL 1:

(a) who, according to the certificate of a medical practitioner, has a medical condition that is likely to continue for at least six months; and

(b) who, as a direct result of that medical condition, requires ongoing assistance, supervision or other disability supports to attend to his or her personal care, and to function in the community or in a workplace.

LEVEL TWO

A person is categorically eligible for DISABILITY LEVEL 2:

(a) who, as a direct result of a severe mental or physical impairment, requires extensive assistance, supervision or other disability supports in order to attend to his or her personal care, and to function in the community or in a workplace;

(b) has confirmation from a medical practitioner that the impairment referred to in paragraph (a) exists; and,

(c) is likely to continue for at least two years; or

(d) is likely to continue for at least one year and is likely to recur.

It is intended that regulations, or guidelines established by regulation, would define and provide criteria for the interpretation and determination of:

- "extensive assistance, supervision or other disability supports" required;
- "ongoing assistance, supervision or other disability supports" required; and
- "severe mental or physical impairment."

Level One participants would not have to resubmit medical or assessor forms if they returned to assistance after attempting employment during the period of the medical condition predicted in their medical certificate. This would guarantee rapid reinstatement to program benefits should they enter and exit the labour force, provided they once again meet the needs test for income assistance during the period of their certified eligibility. Once eligibility for Level Two has been established, it would normally continue indefinitely. Level Two participants would not have to resubmit medical or assessor forms if they returned to assistance after attempting employment. This would guarantee rapid reinstatement to program benefits should they enter and exit the labour force, provided they once again meet the needs test for income assistance.

Instead of a panelling process that requires a finding of unemployability, Manitoba would introduce an administrative procedure wherein the Department accepts the assessment of disability made by a medical practitioner. The medical practitioner would provide a diagnosis and prognosis and an assessor (such as an occupational therapist or physiotherapist) would determine which extra supports are required.

Clear guidelines could be developed for use by physicians and assessors in interpreting the forms for determining eligibility. Although panels will no longer be required, the Department may implement an audit process to ensure appropriate assessments for accountability purposes.

Depending on the expected duration of the disability and the level of support required, persons with disabilities who were eligible for income assistance would be placed in one of the two categories of income assistance eligibility for persons with disabilities. The reclassification process from the current Disability Category to the two new disability categories would be conducted in a manner that maintains continuity of benefits. Steps would be taken to ensure that no person currently enrolled under the Disability Category of the Employment and Income Assistance program would receive fewer benefits under the program due to these changes in definitions for accessibility. Persons with disabilities predicted to last less than six months would continue to be assessed under the general caseload criteria.

Access to Disability Supports

We will strengthen and improve awareness and operation of the policies that enable Employment and Income Assistance Disability Category participants to benefit from disability supports (e.g., medication, special transportation) independent of eligibility for income assistance. In effect, it is proposed Level One and Two participants would:

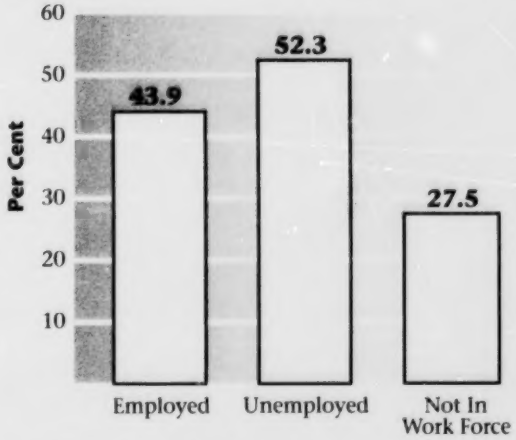
- be practicably enabled to have or retain needed disability supports as long as needed (e.g., medications, special transportation) including after entry or return to the labour market;
- have the cost of needed disability supports taken into account in determining financial eligibility for income assistance benefits and income assistance benefit levels; and
- have the cost of needed work-related disability supports (e.g., special transportation to and from work) taken into account in determining allowable employment expenses off-setting earnings without reduction in income assistance benefit payments.

Access to Training

It is proposed that:

- Income assistance program participants with disabilities would be eligible for all employment and training resources that are available to other income assistance program participants. These employment and training resources would be reviewed for the purpose of removing barriers to the full inclusion of persons with disabilities.
- Disability supports, such as transportation required by income assistance program participants with disabilities in order to participate in these employment and training programs, would be provided for by these programs.
- The information materials for the Employment and Income Assistance program would be revised to include detailed listings of the various employment/training supports and services a recipient with a disability can receive.

Participation in Work-Related Training by Manitobans With Disabilities



■ Persons with disabilities participating in work-related training by labour force status: 43.9% of employed persons with disabilities participated in work related training, 52.3% of unemployed participated and 27.5% not in the work force participated.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

Work Incentives

A work incentive option more similar to that provided to non-disabled participants in the Employment and Income Assistance program will be made available to persons with

disabilities on the program. In consideration of the higher costs incurred by persons with disabilities in being employed, the proportion of earnings, after the exempt initial earnings amount available to participants in the program without reduction in benefit level, would be 30 per cent rather than 25 per cent.

- For a single person in the disability category, this option would provide for the first $100 earned in each month together with 30 per cent of any additional earnings in each month would be available to income assistance recipients in the disability category without reduction in benefit levels.
- For a single parent in the disability category, this option would provide for the first $115 earned in each month together with 30 per cent of any additional earnings in each month would be available to income assistance recipients in the disability category without reduction in benefit levels.
- For couples with, or without, children in the disability category, this option would provide that the first $100 earned by each adult income assistance recipient in each month together with 30 per cent of any additional earnings in each month would be available to both adult income assistance recipients in the disability category without reduction in benefit levels.

Assets

In recognition of the additional costs involved in living with a disability, the Manitoba government is proposing the following two changes in the area the treatment of assets in the Employment and Income Assistance program.

It is proposed that the Government of Manitoba establish a new policy to allow certain types of lump sum payments of up to $100,000 made to income assistance recipients with disabilities without reduction in benefit levels provided that these funds are used for costs directly related to their disabilities. These lump sum payments, such as compensation awards, inheritances and proceeds from life insurance policies up to $100,000 would be distinguished from other types of payments, such as income replacement portions of settlements. This policy could help many persons with a disability better meet their daily living costs and improve their quality of life. The policy could also help parents in estate planning to ensure that their children are able to maintain a reasonable standard of living after the parents' death.

It is proposed that liquid assets exemptions for income assistance recipients with disabilities be doubled. Persons with disabilities could be allowed to have liquid assets up to $4,000 for the first person in a family, $2,000 for the second person, and $1,000 for each additional person, up to a maximum to $8,000. Necessary assets, which are owned or acquired, such as scooters or other mobility aids, a vehicle, or a house used as a residence are not counted in determining these liquid asset exemptions. Gifts from parents, other relatives, guardians and friends could be allowed at the time of application to the program to contribute to such liquid assets exemptions. Increasing these levels would help improve the living

circumstances of many disabled persons and allow them to meet unexpected costs.

Access to Government

By breaking down the barriers to fair and equal access to government buildings, services, information and programs, government demonstrates leadership to the broader community in the reduction of barriers to full citizenship. Access must be more than access to buildings and services. Manitobans with disabilities must have access and input into public policy making. Such access is a primary right of citizenship.

Action is required in the following areas:

- Access to Manitoba government buildings;
- Access to Manitoba government publications, public meetings hearings and services;
- Access to Manitoba government employment; and
- Access to Manitoba government policy making.

Access to Manitoba Government Buildings

The Challenge

Ensuring that building construction and renovations are done in a comprehensive manner, that takes into consideration up-to-date technologies and concepts, is important in terms of both financial management and planning and quality of life issues for

persons with disabilities. Building better access design into new construction and ongoing renovation is less costly than subsequent special renovations for access purposes.

While building codes require a minimum standard of access and have been applied to all buildings at the time they were being built and during major renovations irrespective of ownership, many Manitoba government buildings do not provide a suitable level of access to disabled members of the public. For example, many buildings are not wheelchair accessible, either in terms of entrance or internal facilities and services. The Government of Manitoba needs more advanced and comprehensive access guidelines suited to its public service role. The provincial government, as of November 27, 2000, occupied 104 buildings which it owns and an additional 182 leased spaces.

Action Plan 2001

The Manitoba government is proposing to adopt the Universal Design Institute's *ACCESS: A Guide to Accessible Design for Designers, Builders, Facility Owners and*

Managers as preferred accessible design guidelines for those buildings where the provincial government has design control through ownership or specific capital funding or leaseholder arrangements. The Universal Design Institute's guide is based on the National Building Code of Canada and on state-of-the-art, best-practice design for access in many jurisdictions. These guidelines are separate from, but complementary to the Manitoba Building Code. They include specific technical information and drawings necessary to achieve better fundamental accessibility features in the renovation of an existing facility and in any new construction of facilities where the provincial government provides services to the public.

The Government of Manitoba will monitor the use of these guidelines. As the guidelines demonstrate effectiveness in enhancing access, the Government will further strengthen its policy.

Interim Accommodation Procedures

The Challenge

Because it is not economically possible to immediately renovate all existing public buildings that are not accessible to people with disabilities, there is a need for interim measures. Interim Accommodation Procedures have been developed in consultation with the disabilities community to ensure that government services and government-funded services are available to people with disabilities. Until now these Interim Accommodation Procedures have not been adopted by the Manitoba government.

The Action Plan 2001

The Manitoba government is proposing that the Interim Accommodations Procedures be used as internal policy to be followed by all departments.

The procedures are practical and are of a common sense nature. Examples of requirements are that:

- Non-wheelchair accessible buildings be clearly marked;
- Services available from non-chair accessible buildings must be offered in another convenient and accessible location;
- Staff located in non-accessible buildings know about accommodation procedures or alternate service locations;
- The *Manitoba Government Telephone Directory,* as well as Manitoba government web pages, include information on accessibility of government buildings;
- Building directory boards identify available government services, areas or rooms where special hearing systems have been installed, the location of telecommunication devices for the deaf and telephones better suited for use by hearing impaired persons; and
- Persons with vision impairments be met upon entry to buildings where safe entry, exit or movement is jeopardized by existing hazards.

An action plan for the implementation of the Interim Accommodations Procedures is currently under development.

While the interim accommodation procedures are to be followed as policy by all departments, the document would also serve as a useful resource guideline for public schools, colleges, universities, health-care facilities, public housing projects, Crown corporations and organizations providing government-funded services.

It is proposed that the Government of Manitoba monitor the use of these Interim Accommodation Procedures. As the Interim Accommodation Procedures demonstrate effectiveness in enhancing access to provincial services, the Government of Manitoba will make any needed changes in government policy and further strengthen its policy in regard to these procedures.

Access to Manitoba Government Publications, Public Meetings, Hearings and Services

The Challenge

Government places a strong emphasis on print information to communicate its programs and services to the public. However, approximately 14 out of every 1,000 people are unable to use regular print because of disabilities, such as impaired vision. As a result, many persons with disabilities remain unaware of or unable to use many government services. Furthermore, government documents are often written in a style that is too complex or obscure for persons with learning or cognitive disabilities to fully understand.

The Manitoba government's *Guidelines on Access to Government* guarantee persons with print handicaps reasonable access to provincial publications. However, these guidelines have become outdated in light of the development of new forms of electronic communications. For example, while audio tape and Braille were included in the Manitoba Guidelines on Access, electronic media, such as the Internet, or text files provided by e-mail or floppy disk were not. In large measure, the Manitoba government has adapted its services as technologies changed, however, this adaptation is not uniform: it is time the guidelines were brought up-to-date.

The Manitoba government's *Guidelines on Access to Government* require that meetings and hearings sponsored by government be reasonably accessible to disabled members of the public. The guidelines make recommendations on a number of strategies that can be employed to improve accessibility. However, they have not kept pace with

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The Trace Research and Development Centre http://www.trace.wisc.edu/

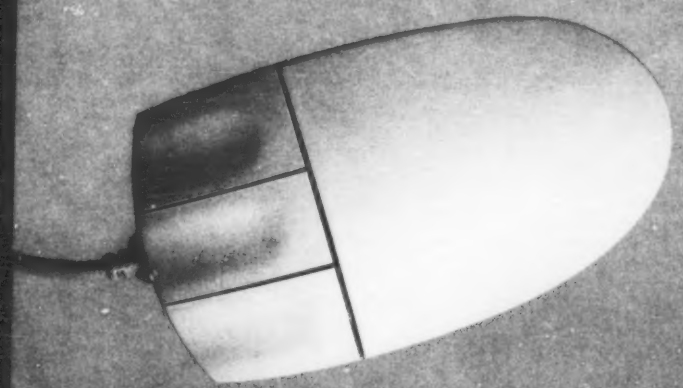
Universal Internet Access Project http://www.utoronto.ca/atrc/rd/uiap/main.htm

The Adaptive Technology Resource Centre http://www.utoronto.ca/atrc/

Universal Web Access http://www.gov.on.ca/MCZCR/english/about/access.htm

Web Contact Accessibility Guidelines 1.0 W3C Recommendation 5-May-1999 http://www.w3.org/TR/WAI-WEBCONTENT/

WebABLE! http://www.webable.com/aboutsite.html



technological developments, such as the new technology of computerized note taking.

Action Plan 2001

The Manitoba Guidelines on Access to Government is currently being updated.

Access to Manitoba Government Web Sites

The Challenge

The communications revolution brought about by the development of the Internet and home computing has opened up many opportunities for persons with disabilities. Public access to government services is continually being increased through the development and deployment of web-based technology that is available anytime and anywhere there is telephone access. New developments in computer hardware and software make it possible for more persons with disabilities to make use of

Center for Applied Special Technology, CAST http://www.cast.org/bobby/

The CPB/WGBH National Centre for Accessible Media (NCAM)
http://www.main.wgbh/pages/ncam/

The Trace Research and Development Centre
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Universal Internet Access Project
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The Adaptive Technology Resource Centre
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Universal Web Access
http://www.gov.on.ca/MCZCR/english/about/access.htm

Web Contact Accessibility Guidelines 1.0 W3C Recommendation 5-May-1999
http://www.w3.org/TR/WAI-WEBCONTENT/

WebABLE!
http://www.webable.com/aboutsite.html

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Access to Manitoba Government Web Sites

The communications revolution brought about by the development of the Internet and home computing has opened up many opportunities for persons with disabilities. Public access to government services is continually being increased through the development and deployment of web-based technology that is available anytime and anywhere there is telephone access. New developments in computer hardware and software make it possible for more persons with disabilities to make use of

computers. For example, persons with impaired vision can use readily available software to display text in large print versions. For blind persons, specialized software and hardware components can voice out text or create a tactile Braille message rather than displaying information on a screen.

However, Manitobans with disabilities may be frustrated in their efforts to benefit from this new technology if their needs are not taken into consideration when web-based information is created for the Internet. The usefulness of these specialized technologies depends largely on how information has been made available on the Internet. Regrettably, a good deal of the information available on Government of Manitoba web pages is in formats that are difficult or impossible for these specialized disability access computer technologies to process. It is important that new Internet-based information and service systems offered to the general public are either made initially accessible or are re-engineered to become accessible to persons with disabilities. In addition, access depends on access to computer hardware, software and an Internet service provider. Given the economic disadvantages faced by many Manitobans with disabilities, one cannot assume that they have ready access to computer services.

Action Plan 2001

Going On-Line

Through a program called Community Connections, it is proposed that the Manitoba government will establish over 440 new public Internet access sites this year. These will provide effective Internet access for Manitobans without home computer equipment and will allow them to create community home pages, on-line community databases, and gain access to e-mail. Community Connections will also work with a number of communities of interest, including the disability community, to provide access to these services to community members.

It is proposed that Community Connections will fund adaptive technology at access sites identified by the Persons with Disabilities Community Resource Network. Currently, consultations are ongoing with the Canadian Centre on Disability Studies, the Society for Manitobans with Disabilities, Work Inc., Women's Disability Network (Brandon) and other disabilities community organizations.

With the Canadian Centre on Disability Studies, Community Connections will promote further research on adaptive technology.

Making On-Line Information Accessible

The provincial government Office of Information Technology (OIT) oversees the use of information technology to provide better and more accessible government. In co-operation with provincial departments, OIT is increasing public access to government services through the development and use of web-based technology solutions.

It is proposed that the Manitoba government will implement a Policy of Universal Accessibility for individuals living with a disability that allows the use of the Internet as a means of communication for all Manitobans

accessing the services of the government. It is further proposed that existing Internet sites will be brought into compliance with the Policy of Universal Accessibility.

Access to Manitoba Government Employment

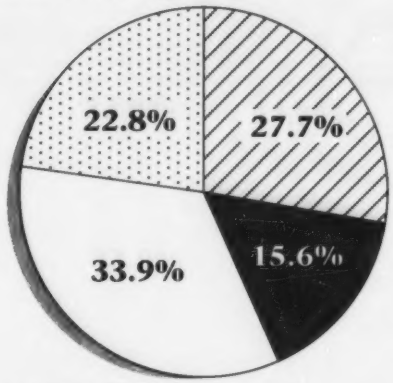
The Challenge

Manitobans with disabilities are a part of our population requiring employment opportunities. While many persons with disabilities require simple access to employment opportunities, many also require some job accommodation, and developmental experience and support.

As a major employer, the Manitoba government is committed to an Employment Equity Policy intended to create a civil service that is representative, at all levels, of various groups in the population, including persons with disabilities. When the policy was established in 1983, the goal was to achieve 7 per cent representation of persons with physical disability in the civil service by 2003. At the last count in 2000, there were 368 persons with disabilities, representing only 2.88 per cent of the Manitoba civil service.

Instead of demonstrating and facilitating the economic integration of Manitobans with disabilities in our workforce, these small numbers indicate that persons with disabilities remain excluded. Unfortunately, the virtual lack of experience with persons with disabilities as fellow workers leaves the civil service ill prepared to recruit and see applicants with disabilities as the productive employees they wish to become.

Factors Discouraging Persons With Disabilities From Seeking Work



The accessibility of workplace largely determines whether or not people with disabilities can work. The three accommodations most often identified by people with disabilities not in the labour force as barriers to work are: modified/reduced hours (33.9%); job redesign (27.7%); and accessible transportation (15.6%).

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

As an employer, the Manitoba government has the duty to provide reasonable accommodation for an employee's needs when the needs are associated with any characteristic that is protected from discrimination by the *Manitoba Human Rights Code*. This duty to provide reasonable accommodation in employment is particularly important for persons with a disability.

A review of the numerical goal of 7 per cent representation for the disabilities sector in the civil service is required, particularly since current demographic information shows a greater incidence of disability in the working age population. Such a review is also called for as the disability

designation has been broadened since 1983 from "physically disabled persons" to be "persons with disabilities."

Action Plan 2001

The Manitoba government proposes several measures to improve persons with disabilities' access to government employment.

- It is proposed to provide an exemption from the current staffing restraint guidelines requiring a 4 per cent vacancy rate to facilitate the efforts of departments to employ persons with disabilities. This would allow departments to offer employment opportunities to persons in the Disability Employment Equity Target Group that would otherwise not be available.
- It is proposed to designate corporate funding and staff years for internship models and employment equity programs to:
  - recruit candidates with disabilities into the civil service; and
  - provide for developmental experience and support for persons with disabilities in the civil service.

Accommodation in employment for persons with a disability would be provided in the measures proposed. This would mean adapting work conditions, work assignment or workstations where necessary to adjust to the disability-related needs of the individual.

Accommodation in employment assists persons with a disability to perform assigned work and to meet the productivity and performance standards established by the manager. The duty to accommodate applies to all aspects of employment-selection, training, working conditions, etc. Meeting disability-related needs only becomes unreasonable when the proposed accommodation creates an undue hardship or where it places an undue burden on other employees.

Accommodation related to disability can include:

- Technical aids or workstation modifications;
- Modified work duties;
- Flexible time of work, such as job sharing or flexible hours of work;
- Change in work location;
- Building modification; and
- Communication services, such as American Sign Language (ASL) interpreters.

It is also the intention of the Manitoba government to review numerical goals for civil service representation for target groups, including persons with disabilities.

Access to Manitoba Government Policy Making

The Challenge

The disabilities community of Manitoba has a long history of organizing to represent its point of view and make recommendations to the public, as well as to policymakers. The Manitoba government will continue and strengthen the broad array of consultative processes that have been developed and used by the disabilities

community. It will also establish a new regular consultative process to identify, discuss, and prioritize disability issues.

There are many who are seen to speak for the interests of Manitobans with disabilities. However, at the centre of this array of organizations are Manitobans with disabilities and their families, and the organizations they have formed to represent themselves. It is important to distinguish these voices that speak directly from experience, from the other voices that have long spoken on behalf of Manitobans with disabilities.

The organizations formed by Manitobans with disabilities and their families are a critically important resource for policy makers and managers faced with the challenge of transforming our institutions and infrastructures. Such organizations are hard-pressed to fund their operations from a membership that is, for the most part, economically disadvantaged. There is, however, no doubt concerning the value and importance of supporting these organizations.

Today, Manitobans with disabilities correspond and communicate directly with policymakers concerning issues of importance to them. Organizations representing persons with disabilities frequently meet with decision-makers in government. There exists a broad array of established consultative committees advising government in various areas of policy and program design and delivery. One example of this is the Joint Community and Government Consultation on Disability and Employment Issues. This body has representation from the organizations representing Manitobans with disabilities and their families, disability services providing organizations, and government. The disabilities community is resourced by government through reimbursements for costs incurred in developing advice for this committee. Other examples of the many existing consultative mechanisms include disabilities community representatives on the Social Services Advisory Committee and on the Home Care Appeal Panel.

However, it is clear that there is a need for a more structured process to complement the ongoing array of advisory and consultative processes.

Action Plan 2001

It is proposed that an Annual Roundtable on Disability Issues be held to complement the ongoing array of advisory and consultative processes already in place. The Annual Roundtable would be reserved for issues of a broad fundamental or controversial policy nature requiring medium/long-term planning and response. More short-term or detail program issues should be dealt with in as direct and timely a manner as possible and not deferred to the new annual consultative process.

The process proposed would provide the following features:

- The Minister Responsible for Persons with Disabilities would convene and host the Roundtable discussions;
- Government officials, including the Minister Responsible for Persons with Disabilities and other Ministers, would attend Roundtable discussions as appropriate;

- The Roundtable discussions could be scheduled for May or June each year so their recommendations could be integrated with the Manitoba budget estimates process starting in September;
- The Roundtable discussions could take place over a two to four day period to accommodate more in-depth consideration of a range of issues;
- The dates of such discussions would be known well in advance so that individual and organizational presentations may be researched and planned;
- A schedule for disabilities community input to the development and organization of the agenda would be facilitated; and
- The framework of Roundtable discussions could provide distinct discussions of sub-groups within the disabilities community, as well as plenary discussions. These sub-groups might include:
  - Organizations whose governing bodies and membership are comprised of at least a majority of persons with disabilities or their families;
  - Organizations whose main function is the provision of goods and services to persons with disabilities;
  - Other community organizations interested in discussing disability issues; and
  - Individual persons, with and without disabilities.

Roundtable plenary discussions could identify priorities for action within the issues identified during Roundtable discussions.

Follow-up on Roundtable Recommendations

It is proposed that an Annual Roundtable on Disability Issues Report be prepared after the Roundtable discussions have concluded. After consideration in Cabinet and early in the Manitoba government's annual budget estimates process, a White Paper or Draft Action Plan for the coming fiscal year would be issued by the Minister Responsible for Persons with Disabilities based on this report. In the following spring, at the start of the next year's Roundtable on Disability Issues, the Minister would make a report describing and evaluating actions taken by the Government of Manitoba on the Roundtable's recommendations of the previous year.

This proposed annual cycle is summarized as follows:

- Spring – Annual Roundtable on Disability Issues
- Summer – Annual Roundtable Report on Disability Issues
- Fall – Consideration of Report Recommendations
- Winter – Draft Action Plan for the coming fiscal year
- Spring – Report and Evaluation of Actions Taken
  - Annual Roundtable on Disability Issues

Aboriginal Persons with Disabilities

The Challenge

While the 1991 Health and Activities Limitation Survey (1991 HALS) indicates 16 per cent of Canada's population has a disability, the 1991 Statistics Canada Aboriginal People's Survey indicates that 31.3 per cent of Aboriginal people were persons with disabilities. The term "Aboriginal" is used in this paper and in the Statistics Canada Survey to include First Nations (status Indian), Inuit, non-status, and Metis persons. In the 15 to 34 year old group, the disability rate for Aboriginal persons was 23.1 per cent as compared to a rate of 8 per cent in the general population. For those aged 35 to 54 years, 32.8 per cent of Aboriginal persons were disabled compared with 14 per cent of the general population.

As is the case with so many public services, the services that are provided to Aboriginal people with disabilities are often not provided in a way that is culturally appropriate. This issue has often been raised, including in the 1996 report by the Social Planning Council of Winnipeg, *Aboriginal persons with a disability – Training and Employment Challenges*. The initiatives proposed in other sections of this White Paper to improve access, income supports, disability supports, and employment will be of significant benefit to Aboriginal persons with disabilities, especially if they can be provided in a culturally appropriate manner.

These higher rates of disability among Aboriginal persons, together with the significant representation of Aboriginal peoples in the population of Manitoba underscore the importance of addressing the needs of Aboriginal persons with disabilities.

Jurisdictional Barriers to Services

Discussions with the First Nations Persons with Disabilities Working Committee of the Assembly of Manitoba Chiefs (AMC), have underlined the need to address a major problem related to access to provincial government services.

On-reserve First Nations persons with disabilities who have status under the Indian Act have often found that their rights to government service have been ignored as a result of ongoing disputes between the federal and provincial government over which level of government is responsible for which services to persons who are status Indians.

As a consequence, non-insured provincial health services, such as wheelchair services and home-care services, the training resources of the Provincial Vocational Rehabilitation Services Program and some other provincial services and programs, have been unavailable to on-reserve First Nations persons with disabilities. At the same time, federal services provided to such First Nations persons with disabilities who are on reserve are reported to be either non-existent or inferior to provincial services.

This situation has caused many of these on-reserve First Nations persons with disabilities to be separated from their families and home communities, since it has only been possible to access vital provincial disability support services by relocating off-reserve.

Action Plan 2001

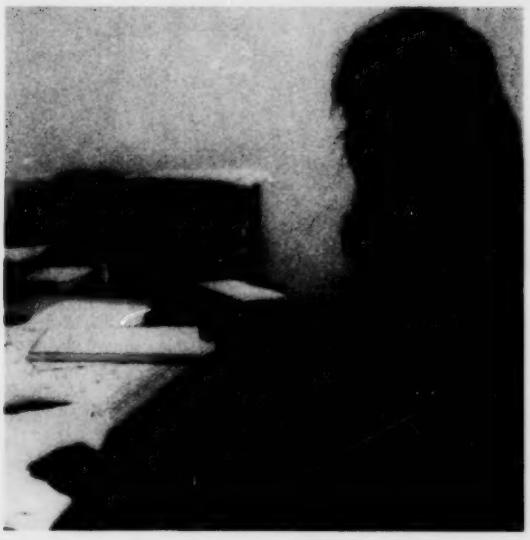
It is proposed that the need for more culturally appropriate services be addressed by:

- ensuring that provincial government disability support services provided to Aboriginal Manitobans be designed with appropriate consideration for Aboriginal culture, language, traditions and values;
- requiring the delivery of provincially funded community-based disability support services provided to Aboriginal Manitobans to be designed with appropriate consideration for Aboriginal culture, language, traditions and values; and
- providing, through the application of the Employment Equity Policy and other policies, for more of the disability support services, staff managing and delivering these services to Aboriginal persons with disabilities, to be Aboriginal persons.

To address the issues of jurisdiction, the AMC report, *First Nations Persons with Disabilities; Dismantling the Roadblocks*, ratified by the Chiefs in Assembly, recommended that there be multilateral discussions between First Nations governments, the federal government and the Province. We are proposing that the Manitoba government adopt this approach.

The objectives for such discussions might include:

- Identifying the specific jurisdictional issues facing on-reserve First Nations persons with disabilities who have status under the Indian Act;



- Identifying the specific gaps in service delivery to First Nations persons with disabilities and identifying which government jurisdiction and/or government department should be responsible for filling that gap; and
- Negotiating with relevant government representatives, an agreement which is committed to:
  - exploring and developing solutions for eliminating the jurisdictional barriers of particular concern to on-reserve First Nations persons with disabilities who have status under the Indian Act; and
  - devising models of service delivery that may more effectively address the needs of such on-reserve First Nations persons with disabilities.

It has also been suggested that the solutions and/or service delivery models agreed to in these discussions may be developed and tested as pilot projects.

Disability Supports

The Challenge

The term disability supports describes any good or service that assists a person in overcoming barriers associated with a disabling condition to carrying out activities of daily living, or social (includes political and cultural) activities and economic participation. The goal is independent living as opposed to the older medical model goal of curing or rehabilitating a person with disabilities. As a result, there are no fixed sets of disability-related goods and services. A good or service becomes "disability-related" when it is used to assist a person or persons in overcoming barriers associated with a disabling condition. The list of disability supports can include, but is not limited to:

- technical aids;
- transportation;
- support for Independent Living;
- job coaching;
- attendant support;
- home making assistance; and
- training, respite and back up for family caregivers.

Without disability supports, people with disabilities are prevented from fulfilling their social and economic potential.

- One-half of the 44 per cent of people with disabilities who are not in the workforce cite barriers and disincentives as the reason (1991 HALS);
- 25 per cent of Canadians with disabilities on income support programs cite loss of supports as a reason for not looking for work;
- A majority of complaints to human rights commissions deal with a failure to accommodate; and
- 36 per cent of people with disabilities had non-reimbursed out-of-pocket disability-related expenses.

The questions of access and affordability are inter-linked, since the costs of many of these services restrict their accessibility. Many persons with disabilities require supports for which they receive no economic assistance. According to the 1991 HALS report, 33 per cent of adults face costs related to their disability that are not reimbursed by any public or private plan. This is a question that must be addressed as part of an ongoing action strategy.

Currently, many supports are not portable across sectors. Supports that are provided in the home are not provided in the school or workplace — making it impossible for a person to pursue training or employment options. In other cases, supports are attached to specific forms of residential care, such as nursing homes or group homes. This creates problems for residents who wish to seek independent living arrangements. If benefits were made portable they would be attached to the individual, and would travel with that person from one setting or region to another.

One method of achieving portability is through individualized funding. This approach allows services to be individually tailored based on needs. This approach can improve the system's responsiveness. Several programs in Manitoba, such as the Self-Managed

Home-Care Attendant Program, the Self-Managed Respite Program, and the "In the Company of Friends" program, already employ this form of funding to meet disability needs. However, in some cases, where a service is not available in the market place, this approach may not be effective. Additional investments in selected disability supports may be required to expand the available supply.

Portability may also be approached through the tax system. In this regard, the Federal/Provincial/Territorial Council of Ministers of Social Services have recently announced their intention to determine the feasibility of implementing a national disability supports tax credit option.

Action Plan 2001

The Action Plan proposes that in 2001, community consultation be undertaken to develop policy recommendations for implementation in 2002. Such consultations would focus on how to strengthen disability supports in the following areas:

- Access to disability supports;
- Portability of disability supports;
- Affordability of disability supports; and
- Consumer control, flexibility and responsiveness in the provision of disability supports.

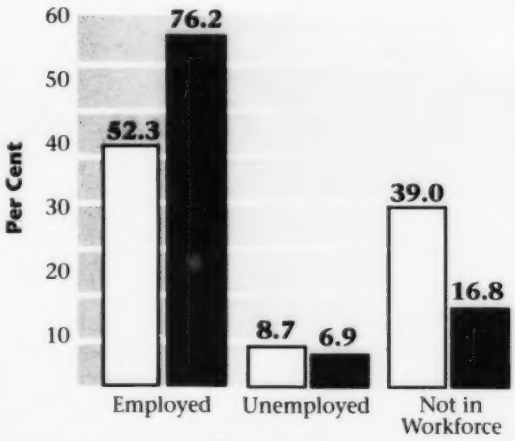
Employment

The Challenge

Historically, persons with disabilities have been largely excluded from the labour market. The legacy of those policies is all too obvious: 48 per cent of adults with disabilities in Manitoba are unemployed or outside the labour force. Women and Aboriginal persons with disabilities face even greater barriers. In large measure, this is attributable to lower educational attainment, lack of disability supports and lack of workplace accommodation of persons with disabilities. Clearly, there is a need to make education, training and transition programs more flexible and accessible.

While a great deal has been done to integrate students with disabilities into our educational system, there are still

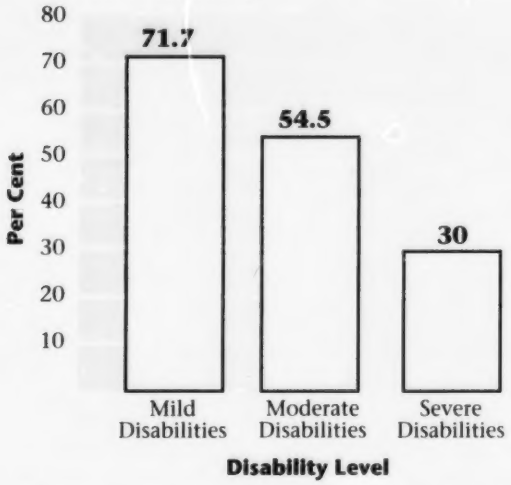
Employment Status



■ Persons with disabilities have a lower rate of employment, as well as a lower participation rate in the labour force, than those without disabilities. Limited employment opportunities for persons with disabilities may discourage many from actively searching for work. Of the total number of persons with disabilities, 52.3% are employed, 8.7% are unemployed and 39.0% are not in the work force. This compares to 76.2% employed, 6.9% unemployed and 16.8% not in the workforce for persons without disabilities.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

Participation Rate in the Labour Force According to Level of Disability



Most persons with disabilities have mild disabilities. This group has a 71.7% participant rate in the labour force. The participation rate for persons with moderate disabilities is 54.5%. While persons with severe disabilities are less likely to be in the labour force, 30% of this group do participate.

difficulties in gaining access to supports needed to allow them to enter or remain in school. Students often find that the only access issues that have been addressed are those relating to physical access. Persons with learning and other cognitive disabilities note that they experience considerable difficulties in gaining access to appropriate and useful training and employment. It should also be noted that persons with disabilities have a right to expect more than access to a job: they need access to real and meaningful career paths.

Much must also be done to accommodate persons with disabilities in the workplace. Accommodation is the modification of a job or workplace to allow for the employment of persons with disabilities. It involves removing the procedural and attitudinal barriers, as well as the physical barriers that persons with disabilities often encounter.

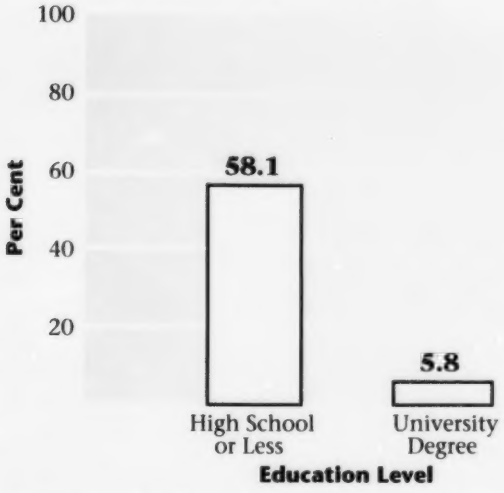
Companies, such as Royal Direct and Convergys Customer Care Management Canada, are actively recruiting persons with disabilities. Along with other Manitoba companies, they have discovered that providing disability-related job accommodations, such as flexible hours of work and disability adaptive equipment, is a good business practice.

Participation Rate in the Labour Force According to Gender

Participation rates for men and women with disabilities differs considerably. Women are less likely to be employed than men. An examination of the labour force status of men and women with disabilities shows that 58.1% of men are employed compared to 47.2% of women, 11.5% of men and 6.2% of women are unemployed, and 30.4% of men and 46.7% of women are not in the workforce.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

Education levels of Adults With Disabilities (Aged 15-64)



58.1% of adults with disabilities (15-64) have an education level of high school or less and 5.8% have a university degree.

Source: 1991 Health and Activity Limitation Survey, Statistics Canada. Numbers may not total due to rounding.

Unfortunately, many employers are not yet prepared to accommodate the disabilities of workers in their labour force. While the *Manitoba Human Rights Code* includes an express duty to accommodate, and Canadian courts, including the Supreme Court, have recognized that this duty exists in Canadian law, there is a lack of information about the various dimensions of accommodation and relatively little assistance to help offset associated costs.

Action Plan 2001

It is proposed that provincial employment and training programs will provide for disability supports, such as disability-related transportation, required by Manitobans with disabilities to participate in these programs.

Further, effective planning and action to achieve greater inclusion of persons with disabilities in the labour market will require the engagement of the disabilities community and the support of all Manitobans.

Organizations, such as the Manitoba Business Leadership Network, representing private sector employers in Manitoba have met with government to discuss partnership collaboration efforts to create opportunities and achieve employment outcomes for more persons with disabilities in Manitoba. Partnerships, such as these, hold much promise for connecting Manitobans with disabilities seeking employment with employers wanting to hire them.

Our Action Plan proposes that in 2001, community consultation be undertaken to develop policy recommendations for implementation in 2002. Such consultations would focus on how to strengthen employment support policies to:

- increase employment opportunities and labour market access;
- encourage employment equity programs in all sectors of the economy;
- increase the accessibility of education, training and transition mechanisms;
- increase the provision of work-related supports;
- encourage workplace accommodation for persons with disabilities;
- promote work and volunteer opportunities for persons with disabilities; and
- increase support for community economic development and self-employment for persons with disabilities.

Accountability for Access and Inclusion

The Action Plan that we have outlined commits the Manitoba government to important initiatives that will move us closer to a society in which persons with disabilities participate as full citizens. Members of the disabilities community have heard such fine words before. Now, they have a right to expect action. And they have a right to expect to be able to measure that action. Finally, they have a right to expect the Manitoba government to develop tools that ensure that future government initiatives do not undermine their rights to full citizenship.

In Unison: A Canadian Approach to Disability Issues provides a vision of an accountability framework in the form of transparency and public participation to recognize the growing public demand for greater democratic engagement.

In response to *In Unison*, 13 national organizations representing the interests of people with disabilities throughout Canada issued a document entitled *A National Strategy for Persons with Disabilities: The Community Definition.* This document made more detailed proposals concerning accountability and called for effective mechanisms to monitor whether citizenship rights for persons with disabilities are being respected, and to provide redress where they are violated. Among the mechanisms recommended are:

- A Minister Responsible for Persons with Disabilities;
- An access and inclusion lens (discussed later) that is directed systematically at the identification, prevention and removal of barriers that face persons with disabilities;
- A Centre of Responsibility for the Coordination of Disability Policy to operate independently of departments providing programs to persons with disabilities. The Centre would apply an access and inclusion lens to all government programs and to initiatives;
- Effective and meaningful consultation on a regular basis with representatives of the community of persons with disabilities as part of the mandate of the Centre of Responsibility; and
- A comprehensive annual report to Parliament/Legislature by the Centre of Responsibility describing in detail the steps taken during the year to ensure access and inclusion for persons with disabilities.

It is largely the responsibility of individual governments at the federal, provincial and territorial levels, to act upon recommendations of this sort. This White Paper makes the following observations and proposals on issues related to accountability and inclusion.

Minister Responsible for Persons with Disabilities

A Minister Responsible for Persons with Disabilities has already been designated in Manitoba. The Minister's mission is to foster the full and equal participation of persons with disabilities in all segments of society within the framework of public policy, programs and legislation which fall under the jurisdiction of the provincial government.

The Minister:

- ensures communication with the community to identify issues affecting persons with disabilities;
- coordinates the development and implementation of policies across government departments to remove barriers and create accessible programs and services;
- promotes positive attitudes and raises awareness of disability issues; and
- represents the needs of Manitobans with disabilities with the federal government and other provincial and municipal jurisdictions.

A number of mechanisms are proposed to support the role of the Minister Responsible for Persons with Disabilities. These are: a Disability Access and Inclusion Lens; a Disability Issues Office; Manitoba Human Rights Code compliance mechanisms; and an Annual Roundtable on Disability Issues (discussed earlier).

A Disability Access and Inclusion Lens

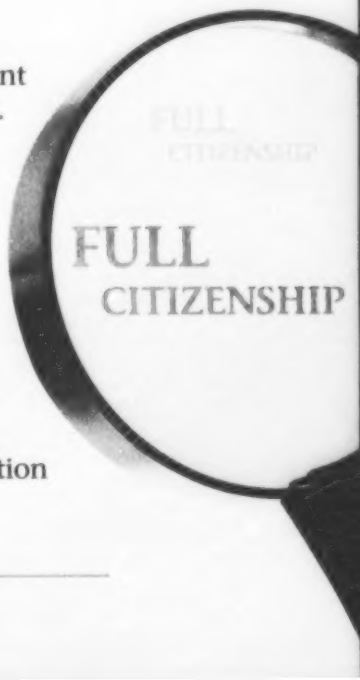
A disability lens is a tool for identifying and clarifying issues affecting persons with disabilities used by policy and program developers and analysts to access and address the impact of all initiatives (policies, programs or decisions) on persons with disabilities. It is also a resource in creating policies and programs reflective of the rights and needs of persons with disabilities. The Government of British Columbia has developed such a lens.

The lens is, in essence, a series of questions that are posed about government initiatives. The questions could be focussed (as they are in British Columbia) around some primary impact areas intended to ensure that legislation, policy, programs and services:

- are inclusive of persons with disabilities;
- respect the rights and needs of persons with disabilities;
- avoid unintended negative outcomes; and
- reflect the goals of government for equity and fairness for all.

The seven primary impact areas in the British Columbia Disability Lens are:

- consultation and data collection;
- accessibility and appropriate accommodation;
- systemic, indirect discrimination and legal obligations;



- economic status, education, training and employment;
- communication;
- safety and protection from victimization; and
- health and well-being.

The Disability Issues Office (discussed below) would coordinate the use of the Disability Access and Inclusion Lens throughout government to identify, prevent and remove barriers to full citizenship for persons with disabilities.

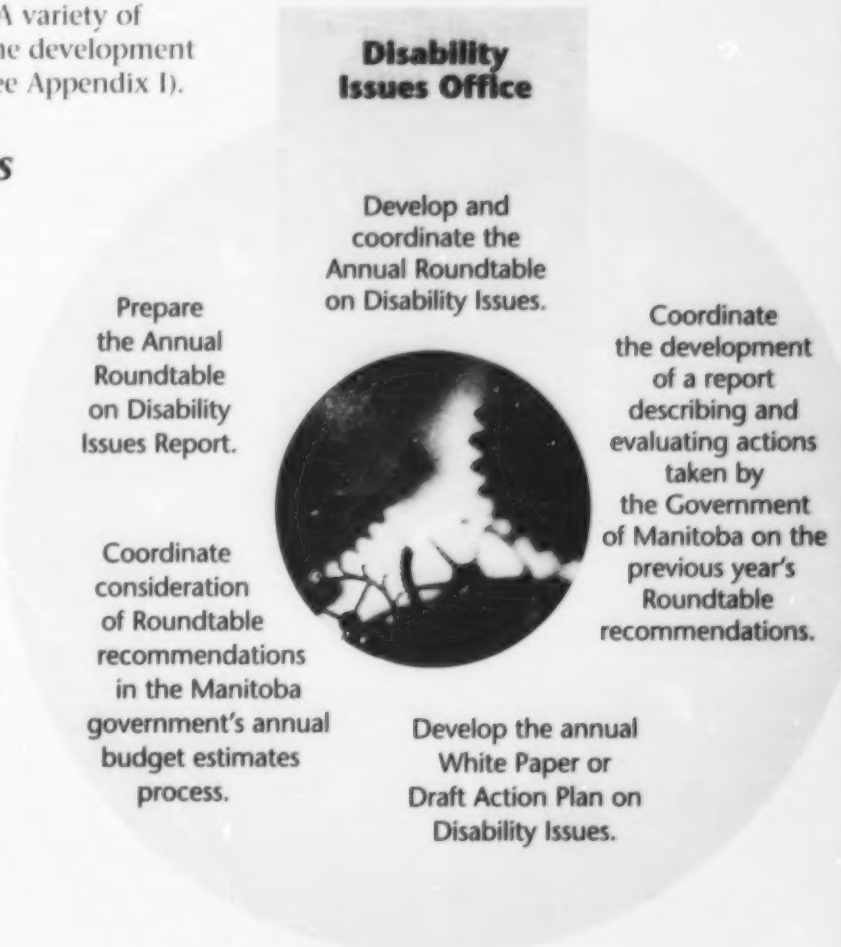
In keeping with the history, values and needs of Manitobans, our own Disability Lens would be developed through consultation with Manitoba's disabilities community. A variety of principles could guide the development of our Disability Lens (see Appendix I).

Disability Issues Office

The Disability Issues Office would report to the Minister Responsible for Persons with Disabilities and would serve as a centre of responsibility for the coordination of disability policy, independent of provincial departments providing programs to persons with disabilities. It would not be directly involved in the delivery of programs or services.

The Office would support and monitor the use of the Disability Access and Inclusion Lens in all provincial programs and new initiatives, not just those which are disability specific. The Disability Issues Office would use the Disability Access and Inclusion Lens in such a way as to systematically identify, prevent and remove barriers that face persons with disabilities.

The Disability Issues Office would ensure regular, effective and meaningful consultation with representatives of the disabilities community. This consultation would cover all aspects of government programs.


Disability Issues Office
Develop and coordinate the Annual Roundtable on Disability Issues.
Prepare the Annual Roundtable on Disability Issues Report.
Coordinate the development of a report describing and evaluating actions taken by the Government of Manitoba on the previous year's Roundtable recommendations.
Coordinate consideration of Roundtable recommendations in the Manitoba government's annual budget estimates process.
Develop the annual White Paper or Draft Action Plan on Disability Issues.

The Disability Issues Office would address issues of importance to children and youth with disabilities and to seniors with disabilities, as well as families and caregivers. It would recognize the double disadvantage faced by women with disabilities, Aboriginal persons with disabilities, and visible minority persons with disabilities.

Manitoba Human Rights Code Compliance

In the past, access policies with respect to disability have been just that: policies or statements of general intent without any clear means of enforcement, and without the same sense of commitment often associated with statutory or regulatory legislation. As such, any government initiative toward full inclusion may be undermined by the absence of mechanisms which convert the concepts developed in this paper into more tangible and, where appropriate, enforceable formats, to ensure that good intentions are translated into concrete action.

Recent decisions of the Supreme Court of Canada have emphasized the need for a more pro-active approach to the issue of accommodation, to ensure that procedures are in place to assess accommodation issues that may arise in the delivery of government services. The requirements for service providers, including governments, are stronger as a result of two recent Supreme Court decisions. There is a clear expectation following the Supreme Court of Canada

ruling in *Grismer v. B.C. Superintendent of Motor Vehicles and the Attorney-General of B.C.*, that "This decision stands for the proposition that those who provide services subject to the Human Rights Code must adopt standards that accommodate people with disabilities where this can be done without sacrificing their legitimate objectives and without incurring undue hardship."

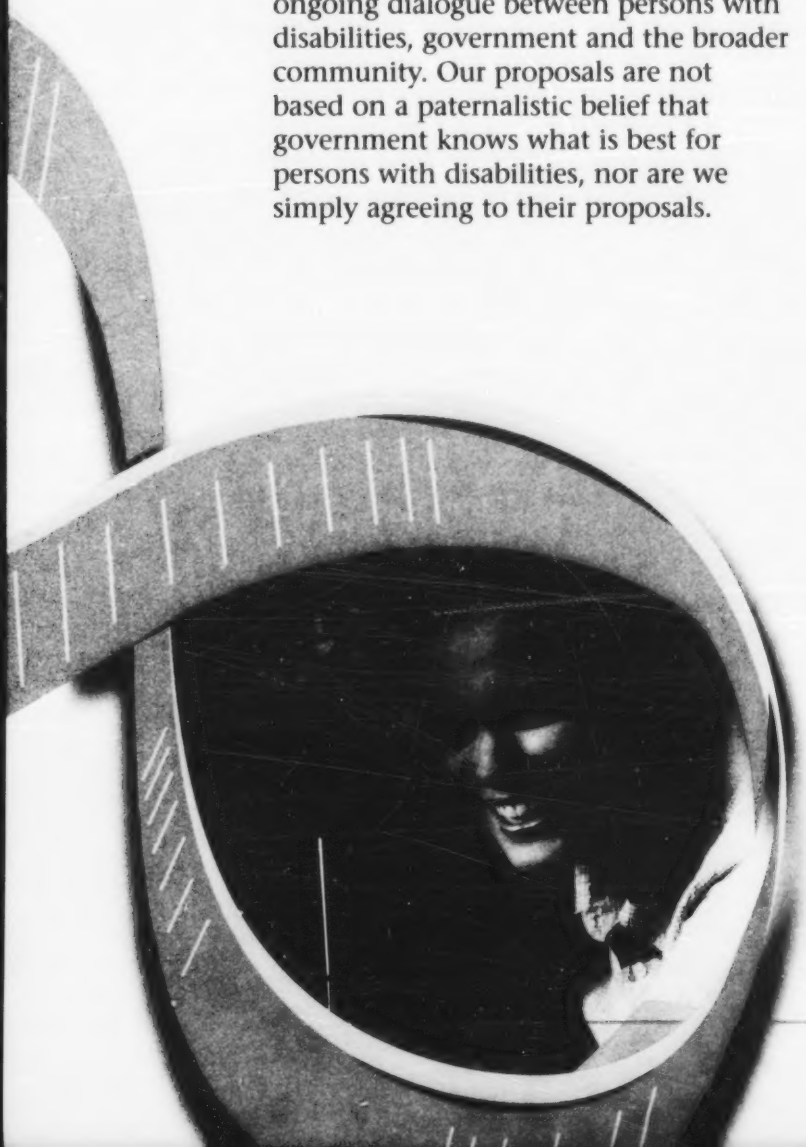
We propose the use of institutions and mechanisms, such as the Human Rights Commission and the *Manitoba Human Rights Code,* to enhance the accommodation process in the context of government services. This may entail the creation of a regulatory process, or a system of enhanced guidelines, coupled with a monitoring function. It should be noted that this would not replace the existing complaint-driven structure under human rights legislation.

Conclusion

The Challenge

This White Paper, the first such paper on disabilities to come from the Manitoba government since the appointment of a Minister Responsible for Persons with Disabilities, marks an important step along the road to creating a more inclusive society.

Our proposals are based on the government's priorities and on the ongoing dialogue between persons with disabilities, government and the broader community. Our proposals are not based on a paternalistic belief that government knows what is best for persons with disabilities, nor are we simply agreeing to their proposals.



Neither approach would bring us closer to our vision of a society in which every person with disabilities participates as a full citizen.

We have started with those issues that directly affect government: access to government and government income-support programs. In these areas, there are real needs and there are well-defined steps that can be taken immediately to address these needs. In many cases, agreement on the approach has been in place for years; what has been lacking is action.

The proposals in this White Paper would:

- improve access to Manitoba government buildings;
- improve access to Manitoba government services, publications, public meetings and hearings;
- improve access to Manitoba government employment;
- improve access to Manitoba government policy making;
- redefine disability so that it is not linked to a finding of unemployability;
- remove disincentives to employment in income programs;

- separate access to disability supports from eligibility for financial assistance; and
- ensure financial assistance is available promptly when individuals are not able to support themselves.

These are issues of long standing to persons with disabilities. Action on these issues will make a real difference to their day-to-day lives.

In committing itself to these measures, the Manitoba government is showing leadership to the broader society and serving as an example when it comes to inclusion, accessibility and citizenship.

Despite these actions, however, other barriers will remain. We are only too well aware of the difficulties that First Nations people have in gaining access to provincial services and that all persons with disabilities face in gaining access to employment and disability services.

We will consult with the community and develop strategies that can be implemented in future years to remove those barriers. We will do this to produce action plans, not more fine words. It is the government's hope that the actions proposed in this White Paper make it plain that future talk will lead to future action.

Finally, there must be accountability. The government is proposing to take steps that will create, over time, full citizenship for persons with disabilities. Government alone cannot measure its progress on this journey. For that reason, we are committing ourselves to annual consultations, work plans and reviews. In the process, the map will change, approaches will be modified and new initiatives developed. It is only out of such a process of respect and interaction that meaningful citizenship for all can develop.

Internet Resources

Caledon Institute of Social Policy
http://www.caledoninst.org/

Canadian Association of Independent Living Centres (CAILC)
http://www.cailc.ca/

Canadian Association of the Deaf (CAD)
http://www.cad.ca./

Canadian Centre on Disability Studies
http://www.escape.ca/~ccds/

Canadian Council on Social Development (CCSD)
http://www.ccsd.ca/

Canadian Policy Research Networks
http://www.cprn.org/cprn-w.html

Council of Canadians with Disabilities
http://www.pcs.mb.ca/~ccd/

Disability Resources, inc
http://www.disabilityresources.org/

Disability Social History Project
http://www.disabilityhistory.org/dshp.html

Disabled Peoples' International (DPI)
http://www.escape.ca/~dpi/

HalfthePlanet.com
http://www.halftheplanet.com/

Integrated Network of Disability Information & Education Indie
http://laurence.canlearn.ca/indie/index.html

International Classification of Functioning, Disability and Health (ICIDH) http://www.who.int/icidh/

Manitoba League of Persons With Disabilities Inc. (MLPD)
http://www.mlpd.mb.ca/

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http://www.un.org/esa/socdev/dissre00.htm

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Appendix I
Principles

Many concepts and values have been recommended to the Government of Manitoba over the past years for the development of a strategy on disability. Some of these speak to the rights (and responsibilities) of Manitobans with disabilities, some acknowledge the responsibilities of public and private sector organizations and institutions, and others declare the fundamental understandings, values and obligations of our society. Some of these principles are already part of public policy, others have not been declared until now.

Many of these principles are helpful in guiding broad policy directions, others deal with program design. All-in-all, these principles will be very helpful in evaluating current policies and programs, as well as new policy and program proposals. As such, they will play an important role in developing the Disability Lens.

1. **The Principle of Rights and Responsibilities**

   Manitobans with disabilities have the same rights and the same responsibilities as other Canadians. They are entitled, as others are, to the equal protection and the equal benefit of the law and require measures for achieving equality, consistent with the Canadian Charter of Rights and Freedoms, provincial and federal human rights legislation and international human rights covenants.

2. **The Equality Principle**

   Manitobans with disabilities have the right to goods and services which will give them equality of opportunity and outcome.

3. **The Respect Principle**

   Manitobans with disabilities have the right to have their abilities, right of choice and dignity respected in all stages of their lives.

4. **The Inclusion Principle**

   The Government of Manitoba is committed to an inclusive way of thinking and acting that allows every Manitoban to feel accepted, valued and safe. Manitoba is an inclusive community consciously evolving to meet the changing needs of Manitobans. Through recognition and support, Manitoba strives to provide meaningful involvement and equal access to the benefits of citizenship.

5. **The Access Principle**

   Manitobans with disabilities have a right to places, events, services and functions that are generally available in the community.

6. **The Empowerment Principle**

   Manitobans with disabilities have a right to the means to maximize their independence and enhance their well-being.

7. **The Universal Design Principle**

   Manitobans with disabilities have a right to expect that infrastructures be designed to meet the needs of Manitoba's population made up of persons spanning the full range of functional abilities rather than of a prototypical average person or norm. Manitobans with disabilities have a right to environments that meet the needs of the range of the population to the greatest extent possible.

8. **The Principle of Self Determination**

Manitobans with disabilities have the right to participate in decision-making regarding the design, organization and operation of programs providing goods and services that affect them.

9. **The Freedom Principle**

Manitobans with disabilities have the right to the least restrictive environment possible.

10. **The Principle of Social and Economic Integration**

Manitobans with disabilities have the right to services and programs that support integrating Manitobans with disabilities into existing social and economic structures rather than segregating such persons into parallel environments.

11. **The Participation Principle**

Manitobans with disabilities have the right to participate and be invited to participate in all aspects of the economic, social and cultural life of Manitoba.

12. **The Principle of Early Integration into Family and Home Community**

Manitobans with disabilities have the right to programs and services that ensure early and lasting integration into society and avoid forcing individuals to leave their families and home communities.

13. **The Principle of Flexible Service Delivery**

Manitobans with disabilities have the right to programs and services that are flexible enough to accommodate individualized service delivery including options for self and family managed service delivery.

14. **The Systemic Responsibility Principle**

The responsibility to include and ensure accessibility for Manitobans with disabilities to general systems of society (including education, employment, housing, transportation, communications, market and infrastructure) rests with the public and private organizations which operate these systems.

15. **The Awareness Principle**

Commitment and action to raise public awareness minimizes environmental barriers, removes systemic barriers and remedies social attitudes evolving from ignorance, indifference and fear, presently impeding the full inclusion and participation of Manitobans with disabilities.

16. **The Prevention Principle**

Society has an obligation to ensure that effective measures will be developed to prevent the occurrence of impairments, the disabilities that may result from impairments, and the handicaps that result when environments fail to accommodate impairments and disabilities.*

* *This paragraph is not to be interpreted in any way as supporting the termination of the lives of those with impairments.*